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youth in a generation not yet wholly departed from the earth, and his work in its new dress will, at all events, be no wholly unwelcome visitor.

President Seelye's "Duty" is founded on the thought that "there can be no abiding basis of morality altogether separate from religion," but seeks to avoid altogether any sectarianism.

8. Professor Wendell's book on Cotton Mather cannot properly be estimated as an historical study, except by an expert in its own field. It is very highly interesting to the student of ethical facts as an exceptionally painstaking and, so far as a non-expert can judge it by internal evidence, a faithful portrait of the inner life of the "Puritan Priest," written with a full sense of the paradox involved in this very title, and in the assurance that, in the long run, "Protestantism can have no priesthood." Professor Wendell gives himself over with the utmost devotion to picturing his hero's moods and struggles. Their story is told, as largely as possible, in Cotton Mather's own words; and the whole book adds most valuable documents to the now so extensive history of mysticism, as well as to the tale of the inevitable struggle in a proud and self-willed soul, between this mysticism and the temperament which made other men call Mather a vain pretender. The tender sympathy, the delicate psychological skill, and the clear literary style of the biographer give the reader every aid in making Mather's acquaintance. The treatment of the witchcraft delusion, in Chapter IV., is introduced and much affected by a curious hypothesis of Professor Wendell's own, concerning the explanation of these phenomena,—an hypothesis as ingenious as it is, in the present state of our knowledge, unpersuasive. But it is at least worthy of consideration.

The foregoing brief notices form the beginning of a report on such current American literature as is of interest to students of ethics. It is the reviewer's intention to continue and extend the undertaking in the July number. The necessarily narrow limits of space and time at my disposal must excuse the curt-ness of speech which may here and there be manifest.

JOSIAH ROYCE.

LA PHILOSOPHIE PÉNALE. Par G. Tarde, Paris. G. Masson, 1890. Bibliothèque de Criminologie.

This book is the work of a philosophical magistrate who applies the resources of a very keen intellect to the study of social and criminal questions. It contains both a criticism of the ideas which have been circulated and received with favor during the last few years by the school known as that of criminal anthropology, and a statement of his personal ideas. Full of insight of all sorts, it is nevertheless somewhat involved and diffuse, and the reader has some difficulty in grasping the principal outlines of the book. In a word, it does not seem very systematic; but it is eminently suggestive. The author warns us, however, that his theories are concerned with three different questions. First of all, an attempt to reconcile moral responsibility and determinism, conscience and science, which the notion of free-will had appeared to separate by an impassable gulf. Next, and especially, an explanation of the criminal side of society, in conformity with a general point of view which the author has endeavored to

apply to the several aspects of social life, in another book "The Laws of Imitation." Finally, there is the indication of some legislative and punitive reforms which are the practical conclusions of his theoretical premises.

In spite of this attempt at division, the analysis of the book is very difficult. It is composed of nine chapters, of which these are the titles: 1. "Preliminary Considerations" (in which the author chiefly seeks the causes of the present crisis in the state of the penal law, causes which are partly the same as those of the crisis in morals); 2. "Positivist School" (and under this perhaps ill-chosen title he designates the new Italian school of criminal anthropology, of which the most illustrious members are Messrs. Lombroso, Enrico Ferri, and Garafalo); 3. "The Theory of Moral Responsibility" (in which is found a criticism as to moral responsibility from a new point of view); 4. "The Theory of Irresponsibility" (studied successively under the following heads: madness, drunkenness, hypnotism, old age, the moral "revival," surrender to the domination of others; and which serves as a counterpoise to the theory of responsibility, put forward in the preceding chapter); 5. "The Criminal" (who, according to the author, is neither a madman nor a savage reappearing among us by a phenomenon of atavism, nor an epileptic in spite of what there may be fundamentally true in this idea: the criminal type is a *professional* type, this is the formula in which M. Tarde's theory is summed up); 6. "Crime" (studied in its physical, physiological, and social causes, the two latter far more important than the first); 7. "Trial;" 8. "Punishment;" 9. "The Penalty of Death" (it is especially these last chapters which contain the indication of the legislative and punitive reforms suggested by the author). This brief enumeration is quite insufficient to give an idea of the extreme abundance of ingenious and nearly always original thought which is the great merit of this book. We will here examine only two of our author's theories: first, that of responsibility, then that of crime and the criminal. M. Tarde maintains that the name and notion of responsibility should be preserved, and yet he thinks it impossible to continue to ground it upon the belief in free-will, "a belief shattered by the progress of scientific determinism." So he seeks another basis for moral and social responsibility, and he claims to have found it in "*individual identity*" joined to "*social similitude*." In order that a person may be responsible for an action attributed to him, it is necessary and it suffices that, on the one hand, he is really identical with the author of the action, and on the other hand, that he belongs to some extent to the same social grade as the person who has been affected by the act, and as those who make him accountable. According to the author, the idea of free-will has a theological origin. "It arose, and necessarily arose, at an epoch when the idea of the indefinite and absolute culpability of the sinner was predominant. If to be guilty of an act means to cause it, it follows that to be absolutely and indefinitely guilty with regard to all, without any restriction,—as is necessary to justify the notion of eternal damnation,—means, to be the absolute and first cause of the action, or in other words, the free cause, beyond which one can go no further in the chain of cause and effect. Liberty in this sense is a creative power *ex nihilo*, a divine attribute bestowed upon man. The free agent confronts and can frustrate God; he is in reality a little deity evolved from the greater. But if, instead of an absolute and unlimited culpability, we are concerned with a culpability

which is relative or limited like everything real and positive, then a causality itself relative and limited—what is called a secondary causality—is sufficient. To this extent liberty becomes a useless postulate. M. Tarde's theory is chiefly psychological and sociological; yet it involves a metaphysical postulate, viz., that the Ego is a reality. Here is a passage in which this is eloquently formulated, and which we quote in full in spite of its length, because it will furnish an idea of the author's style: "I challenge any one to discover the slightest ground which is not illusory, for the strong scientific prejudice which sets up as a dogma the fundamental homogeneity of the elements, the infinity and eternity of this disheartening monotony. It is an illusion to slowly evolve the variation of the theme, of the sensible from the insensible, through the asserted mutability of the homogeneous, differentiated, no one knows how. All laws are the agents of regularity and consequently of uniformity; were they exercised upon materials already regular and uniform, we ask whence could result the slightest note of harmony in the midst of the universal psalmody? There can be no doubt about it; so that matter, energy, force, this so-called omnipotent insensibility, owes its omnipotence solely to the conflicting sensibilities, working separately and each for its own end, of which it is composed. Hence originality, hence liberty, hence individual reality. Without this, what good would be the individual, a superfluous copy of an already superabundant edition? Each individual, no doubt, has his individual mark; and his mark, his original identity from birth to death, is caused by the persistence of some foremost element which, set in motion, it is true, and influenced by others, and even owing to their joint action nearly all its stored-up power, its inherent force available at any moment, has none the less appropriated, by stamping them with its seal, all these outward actions. One cannot, indeed, say that—at the moment when this element arises in the Ego and thus revealing itself more clearly to the consciousness, becomes determined—it would have been possible that it should determine itself otherwise; but one may say that, in willing this act, it makes it *its own*, and it is precisely because the act was not capable of being different that it is its own. Underneath all individual existence, therefore, if the individual does really exist, there is something very distinctive, which seeks to extend itself, to become universalized, something also which seeks to live, that is, to last."

M. Tarde endeavors to verify his theory that responsibility is based upon individual identity and social similitude, first by the historic evolution of the penal law, and secondly by a survey of the different degrees of responsibility; and it must be owned that he renders it at any rate plausible. Thus, madness makes us irresponsible, because it makes us unlike others, because it *alienates* us from them,—that is to say, it makes us foreign to ourselves. Here I can only draw attention to the very curious pages of the author on the relative irresponsibility of great men, of *converts*, of despots, etc. The article devoted to the causes of crime should also be carefully studied. Here M. Tarde gives a general criticism of the fundamental principles of his sociology. Now, according to him, the explanatory cause of all social phenomena is *imitation*. He studies its effects with singular acuteness, whether they are exercised upon the masses or in the family, and he thus distinguishes between the "*imitation fashion*," which he notices especially in towns, and the "*imitation custom*," which is the pecu-

liarity of the country. The chief law of imitation is that its influence passes from superiors to inferiors. Hence, the action of aristocracies; hence also that of capitals and large towns. "However strange it may appear, there are serious reasons for affirming that the vice and crime localized to-day in the lowest ranks of society have descended from the upper classes." Again, "one may now see how crime is propagated from large towns to the country, from the capital to the provinces, and how capitals and large towns exercise an irresistible attraction on countrymen and provincials who have lost caste or fallen into vice, and who hasten thither to get civilized after their fashion, a new method of raising themselves in the social scale." Also while contrasting urban and rural criminality, the author observes that the second tends more and more to resemble the first, and to become confounded with it. Here may be found considerations most worthy of attention, upon the evolutionary changes of that form of criminality which, proud, vindictive, and passionate as it originally was, has assumed a more and more voluptuous, calculating, and covetous character. The same tendency is again met with in art and industry, and from the same general causes, "which in every social order have caused in civilized as compared with barbarous man the predominance of calculation over passion, of the wish for comfort over pride."

The application of the sociological method revives in the same way the question of trial and evidence in criminal affairs: it shows that the "*trial by ordeal*" (the judicial duel), torture, trial by jury, arbitration, are the successive links in one and the same chain, substituted one for another by the all powerful action of imitation, first fashion, then custom. We must call attention to a very forcible criticism on the institution of juries, and the proposed reforms for replacing them (the creation of a criminal magistracy absolutely distinct from the civil magistracy, and of scientific inquests). But we must stop, for, at almost every page of this book, new questions crop up, new ideas, to which full justice could not be done without trespassing on our limited space. One might almost say that the greatest fault of the book is that it is too rich in thought; but, of all faults, this is certainly the rarest and the easiest to forgive.

E. BOIRAC.

AN INTRODUCTION TO SOCIAL PHILOSOPHY. By J. S. Mackenzie. Glasgow: J. Maclehose & Sons.

Perhaps one chief reason why there are so few professed students of social philosophy is that even among highly-educated people, taking the ordinary acceptance of that term, very few are convinced there is such a thing as social philosophy, and fewer still have any clear notion what it is. While this fact gives a peculiar value to a work like Mr. Mackenzie's as a satisfaction of a want which ought to be a need, it imposes upon the writer a duty from which writers of text-books upon most studies are comparatively free,—that of claiming, and even to some extent of reclaiming, from neighboring realms of science the territory which it can establish as its rightful domain. It may be said at once that Mr. Mackenzie, in the opening chapter of his remarkable book, has shown great skill and metaphysical tact in this delicate operation of tracing the bearings of social philosophy to the bordering subjects of ethics, politics, and economics,